

Remarks

The foregoing amendments and following remarks are responsive to the March 17, 2006 Final Office Action. Applicants respectfully request reconsideration.

Status of the Claims

Claims 14 and 27-28 are amended. Claims 1-13 were cancelled previously. Claims 14-33 are pending.

Rejections under 35 U.S.C. § 103(a)

In the Final Action, Claims 14-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 20030093941 (now U.S. Patent No. 6,348,064) to Wenzel. Claim 14 (from which Claims 15-26 depend) and Claim 27 are amended to clarify the invention.

Wenzel relates to additive compositions that provide for the introduction of water-soluble components into diesel and other distillate fuels. Wenzel consistently discloses the use of a short chain alcohol (C_{1-5}) as component (a) in combination with one or more of components (b), (c) or (d) as indicated above to form the emulsion. There is absolutely no teaching or suggestion to omit the short chain alcohol. In addition, although Wenzel generally discloses straight and branched chain alcohols, none of the Examples exemplify a C_{12-24} branched alcohol. Instead, the sole example in Wenzel of a branched chain alcohol has only 8 carbon atoms (2-ethyl hexanol-1). Moreover, the branched chain alcohol and ethoxylated alcohols are added optionally to the Wenzel composition, whereas the emulsifier mixtures of Claims 14 and 27 consist of branched-chain fatty alcohol and ethoxylated fatty alcohol components. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 28-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wenzel in view of U.S. Patent No. 4,297,107 to Boehmke. Claim 28 (from which Claims 29-32 depend) is amended to clarify the invention.

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Response dated July 14, 2006
Submission Pursuant to 37 C.F.R. § 1.114(c)
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Boehmke relates to fuels comprising a hydrocarbon water and emulsifier wherein the emulsifier is non-ionic and comprises the addition product of ethylene oxide or propylene oxide and a carboxylic acid amide with 9-21 carbon atoms.

The arguments set forth above with regard to Wenzel are reasserted as if set forth at length. The addition of the ethoxylated carboxylic acid amides of Boehmke fail to cure the deficiencies of Wenzel discussed above. In addition, there is no teaching, suggestion or motivation provided by Boehmke or Wenzel to modify Wenzel as suggested by the Examiner to arrive at the subject matter of Claim 28. Therefore, the rejection should be withdrawn. Reconsideration and withdrawal of the rejection is respectfully requested.

Double Patenting Rejection

Claims 14-33 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-15 of co-pending Application No. 10/473,117. In view of the foregoing amendments, the claims are not an obvious variation over the co-pending claims and the rejection should be withdrawn. Reconsideration and withdrawal of the rejection is respectfully requested.

In the event the double patenting rejection is maintained and an indication of allowable subject matter is provided, Applicant reserves the right to submit a Terminal Disclaimer (as deemed appropriate).

Fees

A Petition for a One-month Extension of Time and requisite fee are enclosed. No additional fees are believed due. The Commissioner is authorized to charge any fees deemed due (or credit any balance owing) to Deposit Account No. 50-1177.

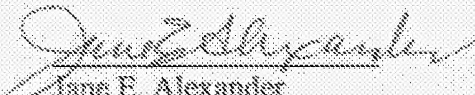
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Conclusion

It is respectfully submitted that Claims 14-33 are in condition for allowance. A Notice of Allowance is respectfully requested. If anything further is needed to advance the allowance of this application, the Examiner is urged to contact Applicants' attorney at the telephone number indicated below.

Respectfully submitted,

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